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In re Application of	:	
Ono et al.	:	
Application No. 10/594,236	:	DECISION ON PETITION
Filed: 09/25/2006	:	
Attorney Docket No. 47232-5011	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed March 26, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the nonfinal Office action of August 10, 2007, which set a three-month shortened statutory period for reply. A reply was due on or before Monday, November 12, 2007. A Notice of Abandonment was mailed on March 17, 2008.

Petitioner states that a reply was timely filed. To support this assertion, petitioner has submitted a copy of a return receipt, acknowledging the submission of a response to the Office action, an IDS, including a PTO Form 1449 and 1 Prior Art Reference, and a check for \$180.00. A copy of the previously submitted reply accompanies the petition.

The reply in the form of an amendment, which the USPTO acknowledged as received on October 26, 2007, is not of record in the application file and has not been located to date. However, MPEP 503 states "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the amendment was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The Office will accept the copy of the reply supplied with the petition in place of the reply shown to have been received by the USPTO on October 26, 2007.

This application is being referred to Technology Center AU 1617 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

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